



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Commerce

Subject of possible rule making: Chapter 365-196 WAC, Procedural Criteria for Adopting Comprehensive Plans and Development Regulations. Chapter 365-190 WAC, Minimum Guidelines to Classify Agricultural, Forest and Mineral Lands and Critical Areas.

Statutes authorizing the agency to adopt rules on this subject: RCW 36.70A.050 and 36.70A.190

Reasons why rules on this subject may be needed and what they might accomplish:

To bring the rules into conformance with legislative changes occurring in 2009 and 2010.
To adopt rules guiding implementation of RCW 36.70A.540 (Affordable Housing Incentive Programs)
To address a petition to the agency requesting modifications to WAC 365-190-050 (Agricultural Resource Lands), WAC 365-196-425 (Rural Element) and WAC 365-196-405 (Land Use Element).

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The Department of Ecology adopts rules governing the State Environmental Policy Act (SEPA) and the Shoreline Management Act (SMA). Department of Commerce (Commerce) will involve the Department of Ecology in the rule making process to ensure that the Commerce rules integrate and harmonize with Ecology rules.
Commerce will use the Inter-Agency Work Group (IAWG) on Growth Management for on-going coordination with agencies that work with local governments on Growth Management Act (GMA) issues. The IAWG is a group of state agency representatives that meet regularly to coordinate state agency participation in local government GMA planning. It includes representatives from the Department of Ecology, the Department of Transportation, the Department of Fish and Wildlife, Commerce, the Department of Health, the Department of Natural Resources, the Department of Agriculture, the Department of Social and Health Services, and other state agency representatives as needed.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) The public is encouraged to provide comments and recommendations on the scope of work and the draft rules to be posted on the agency web site at www.commerce.wa.gov/wacupdate and distributed to the Listserv mailing list. If needed, Commerce will facilitate focus groups for additional discussion with stakeholders. After the amendments are proposed, the public may also participate by providing written comments and/or testimony during the public hearing and comment process.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: (List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

For more information, contact Dave Andersen, AICP, Plan Review and Technical Assistance Manager, Growth Management Services Unit, (360) 725-3052 or dave.andersen@commerce.wa.gov.

The public can participate by submitting written comments by e-mail to WACupdate@commerce.wa.gov, or standard mail to WAC Update, Growth Management Services, Washington Department of Commerce, PO Box 42525, Olympia, WA 98504-2525. For additional information and opportunity to participate, a project web page has been created at www.commerce.wa.gov/wacupdate. Commerce also maintains a Listserv e-mail distribution list for those interested in receiving on-going information about this process. Instructions to register for the Listserv are available on the project web page.

DATE
May 5, 2010

NAME (TYPE OR PRINT)
Cheryl Smith

SIGNATURE

TITLE
Senior Policy Advisor

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STATE OF WASHINGTON
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